



MINORITY AND JUSTICE COMMISSION

TUKWILA COMMUNITY CENTER
12424 42ND AVE S, BANQUET ROOM C, TUKWILA, WA
FRIDAY, JANUARY 31, 2020
9:00 A.M. – 12:00 P.M.
JUSTICE MARY YU, CO-CHAIR
JUDGE G. HELEN WHITENER, CO-CHAIR



Teleconference: 1-877-820-7831
Passcode: 358515#

MEETING NOTES

Commission Members Present

Justice Mary Yu, Co-Chair
Judge Helen Whitener, Co-Chair
Professor Lorraine Bannai
Mr. Jeffrey Beaver
Ms. Annie Benson
Ms. Lisa Castilleja
Judge Faye Chess
Judge Linda Coburn
Ms. Theresa Cronin
Chief Adrian Diaz
Judge Mike Diaz
Judge Theresa Doyle – phone
Professor Jason Gillmer
Judge Bonnie Glenn
Ms. Kitara Johnson
Ms. Anne Lee
Judge LeRoy McCullough
Ms. Karen Murray
Mr. Christopher Sanders
P. Diane Schneider
Judge Lori K. Smith
Mr. Travis Stearns

Guests

Ms. Esperanza Borboa, *ATJ Board Liaison*
Mr. Joshua Treybig – phone
Dr. Eric Trupin
Ms. LaTricia Kinlow
Judge Kimberly A. Walden
Ms. Rajyanessa Canos
Mr. Duc Luu
Mr. Ruddy Salas, *MJC Intern*
Mr. Marcus Stubblefield

Student Liaisons Present

Ms. Cloie Chapman
Ms. Denis Chen
Ms. Beverly Tsai
Ms. Sydney Bay
Ms. Mary Ruffin
Mr. Furhad Sultani
Mr. Casey Yamasaki
Mr. Hisrael Medina Carranza
Mr. Rigo Garcia
Ms. Dalia Trujillo
Ms. Peggy Rodriguez

AOC Staff Present

Ms. Cynthia Delostrinos
Mr. Frank Thomas

CALL TO ORDER

The meeting was called to order at 9:07 a.m.

The November 8th meeting minutes were approved.

REPORT – IMMIGRATION ENFORCEMENT AT COURTHOUSES

HB 2567 – Courthouse Immigration Arrest Bill

There is division among the various court levels about whether to support this bill. SCJA is consistent at working with BJA to give their opinion that they oppose the bill's unfunded reporting requirements. SCJA finds this to be a separation of powers issue between the judiciary and the legislature. SCJA is also concerned with violating principles of federalism by wading into issues of federal immigration enforcement. However, guidance on their position was unclear in its explanation. Judge Diaz reports that SCJA's concerns over the bill are with its implementation. Assistant Chief Diaz agrees that implementation needs to be worked out.

The Commission has been engaged with this issue prior to HB 2567. We've always supported efforts regarding access to justice related to immigration dating back two Chief Justices. This is within the purview of the Commission's stated purpose, and those of the courts. Members express the desire to be on right side of history. Judge Lori K. Smith notes that the chilling of the Constitutional rights of noncitizens is a longstanding issue, but has now risen to the extreme under current immigration policy. Family law issue – protection orders; those falsely accused of crimes; and who these issues impact – right now places the preexisting issues and fears on steroids. Issue of chilling immigrant rights very dear to Commission members' hearts, as immigrants already facing many barriers to equity. Courts need to be open and welcoming. This is what the Minority and Justice Commission is all about. Has impact on law enforcement and ability to advance community-oriented policing, as people will not report crimes because of fear of deportation. This will interfere with the collaboration of police and the community. This is ultimately a public safety issue. Unfettered search for truth.

Vote – yes 22, unanimous support

Bannai (1), McCullough (2)

Court Rule GR 38

Ad hoc committee which drafted the proposed court rule met and deliberated with the Gender and Justice Commission, the Interpreter's Commission, and the Access to Justice Board to create a letter of support. If approved, the letter will be submitted for public comment during the comment period, which was extended to March 5th. Minority and Justice Commission, the Interpreter's Commission, and the Access to Justice Board joined same comment letter. Gender and Justice Commission provided a nearly identical letter – which derived from the same draft as the Minority and Justice letter – but wrote separately regarding comments 7-8. SCJA will vote tomorrow; it was reported that their committees generally support.

Vote – yes 21, Justice Yu abstains

Diaz (1), Murray (2)

ACTION – Frank Thomas will send the letter of support to the Supreme Court Clerk for publishing.

RPC 4.4

Travis Stearns shared unofficial comment on RPC from Council on Public Defense from February 7th, which declared that it is important to public defense that clients go to courthouses. Questions on how one will file complaint for violation of the Rule. Questions were raised about the reception of this Rule from the criminal bar, specifically how bar feels about cross examination on issues related to U-visa inquiries. Not sure what outreach will be done to alert the legal community. Judge McCullough would like education for judges on these new rules.

Vote – yes 21, Justice Yu abstains

Murray (1), Castilleja (2)

ACTION – Frank Thomas will send the letter of support to the Supreme Court Clerk for publishing.

ACTION - If passed, be prepared to make part of judicial curriculum

CO-CHAIRS REPORT

Personnel Update

Judge Whitener – Education Committee Co-Chair

Departure of Chief Justice Stephens, Judge Dickinson, and Ms. Van der Lugt puts membership at 28 (out of 35) as of January 15, 2020. Onboarding two new members: Joshua Treybig and Briana Ortega. Josh and Briana will be the first ever Commission law student liaisons to graduate to the ranks of Commission member. Joshua Treybig will likely not be able to serve a full four year term, so he is being appointed to a two-year term to begin March 1, 2020. Briana Ortega will be appointed to the Commission beginning March 1, 2020, for a four-year term. The Appointment of Ms. Ortega and Mr. Treybig will bring the number of Commissioners to 30.

The Co-chairs want people who care about what we are doing, come to meetings, and participate actively. Would bringing in Tech or other outside professions benefit the Commission? The most important thing is to eradicate bias in court, and bias against race and poverty in judicial system.

2020 Symposium – Focus on Rise in Incarceration of Women & Girls of Color

The Symposium will occur on June 3, 2020. To date, the Temple of Justice remains the location for the 2020 Symposium. Planning committee should decide if a venue change is warranted given comments from last year's event. Symposium Planning Committee will convene before the next general meeting on March 13th. Frank Thomas, Justice Yu and Judge Whitener have been soliciting and evaluating potential speakers already. Judge Doyle has joined onto the planning committee. Most meetings will be held via phone. Currently waiting for Gender and Justice Commission to assign liaisons, as this will be the first time sponsoring the Supreme Court Symposium with another entity. GJC is embarking on a big study looking at gender bias in the courts through the lens of race equity.

Marcus Stubblefield detailed an upcoming showing of a video titled *pushout*, which documents the mechanisms of the school-to-prison pipeline for girls of color. Judge Doyle expressed gladness that we have Marcus in charge of the film. School board in Spokane has begun tracking problem of children of color being detained. Kitara Johnson commented that there should be a focus on behavioral health impact on girls of color – consideration of medical trauma, racism, social determinants of health, and access to healthcare. Annie Lee noted this is an opportunity to look at whether the structure of the brutal and punitive criminal justice system creates more harm. A question of whether arrest, incarceration, does more harm – and how we actually address need.

UP Program – King County CLU Unified Payment Program

Latricia Kinlow and Rajyanessa Canos, Tukwila municipal administrators, presented on King County's ongoing unified citation payment program. UP allows people to have all traffic-related fees in one manageable payment. Many people said this couldn't be done. Since 2016, \$470,000 has been paid through the program. These are cases that end up in collections, inhibits ability to get license, and creates many collateral consequences. Have learned through feedback of the need to revamp the website to be user-friendly. Only covers traffic infractions, no DUIs.

Courts shared concerns about using a collection agency to facilitate transactions, and thus moved to a genuine payment intermediary, and out of collections. Saw lots of defaults when there was no default policy in place, which created lots of clerical work. Creation of application fee and default policy proved more successful in keeping people on a timely payment schedule. Very cumbersome process, so the program was reevaluated and found a way to streamline the process.

Hoping to expand to neighboring counties, and hopeful these lessons sets other jurisdictions up to succeed. Goal is to open doors and break the cycle of poverty. Participants can get their license back after first payment. Takes outstanding balance out of collections and consolidates into a single payment. Participants have to get approval to get another ticket added. There was no repercussion before to abuse system, and abuse was rampant, so UP created the \$100 fee deterrent. The program is for people who have some ability to pay. Other options exist for people who cannot pay. Courts now looking at contracts with collection agencies. Collections tries to stop them from paying. New payment agency is nCourt.

ACTION – Nessa and Trish will send packet to Commission

LAW STUDENT LIAISONS

Gonzaga Law Students – Felony Disenfranchisement

The Gonzaga students are planning a series of events designed to engage and educate communities who are overrepresented in the criminal justice system about civic engagement and ways to combat disenfranchisement. Objective of project is restoring faith in justice system for disenfranchised people and marginalized communities. The tangible portion of the project will focus on voter deprivation and the restoration of voting rights. The intangible portion of the project will tackle the stigmatization and sense of hopelessness that affects disenfranchised communities. The project will focus primarily on affected people of color. Not targeted at students who are "at risk," as this issue represents a widespread reality for students of color. Meant to be informative, and not a targeted intervention.

Felony disenfranchisement has an oppressive effect on society; even if you have felony, you can be productive member of your community. Will seek to achieve education through outreach, and promote support for the Minority and Justice Commission. Project will have two phases: first to educate and empower high school students in Spokane and let them know they can help be activists, and focus on issues of fighting stigma, civic engagement and restoration of civil rights, and then to educate formerly incarcerated individuals about how they can restore their civil rights. Teach about SB 6828 automatic registration after prison. 6.1 million Americans cannot vote because of felony convictions. 1 in every 13 voting-aged citizens cannot vote. In Washington State, 1 in 5 African-American men cannot vote. Liaisons will track success through surveys with attendees. 1 page rating scale survey.

MJCOM assistance – advice, guidance, expertise. Working with Layne and Carmen; students could go to halfway houses. More personal engagement. Judge McCullough recommended they reach out to the Sage program. Students should be mindful to present a trauma-informed presentation, given the sensitivity and personal nature of their chosen topic.

Vote – unanimously approve program, pending budget. Commission will conduct vote to approve budget by email.

UW Law – Day in the Life of a Law Student

The UW students are planning to host a recruitment event where undergraduate students of color would shadow them for a day, including attending a law school class, in order to gain firsthand experience of what life is like as a law student. Very low numbers of students of color at UW Law. Proposal would gather groups of 10-15 undergraduate students to follow along for a day at UW Law. Students would meet with group leaders prior to a class, sit in on a law school class, and debrief with law students, faculty, and attorneys at a reception-style event in the afternoon. Participants would take a pre- and post-event survey to determine how effective the lesson was, what questions were answered from their experience, and what questions remain for them. We know that many people of color are interested in going to law school, but don't have opportunities or access to quality information. Group is currently reaching out to undergrad affinity groups on UW campus to invite prospective students. Talked to other schools groups to see if they have connections.

Commissioners wonder how this is not de facto recruitment for UW Law. Students should also consider including attorneys for the undergrad students, so students have ability to better do outreach. The financial considerations of attending law school have changed, and have become a great barrier to many students. Judge Coburn remarks that the project needs to more effectively call out the problem they are reporting – why there are no people of color at UW Law, and why the dropout rate is so high for students of color who do attend.

Justice Yu suggests the group not put their proposal to a vote, but rather revamp their project to address some of the concerns and come back with updated proposal. Liaisons agree with Justice Yu, and will present an updated proposal at a later date.

SU Law – Transgender People of Color and Criminal Justice

The Seattle U students are planning to host a speaking panel addressing the unique issues facing incarcerated transgender persons. The hope to cover all aspects of their carceral experiences, from police interactions to incarceration and reentry. Their objective is to shine a light on the experiences and unique harms transgender people face in the criminal justice system. Project will include 3 phases of engagement: stakeholder meeting, a panel discussion, and an infographic. They plan to accompany the discussion with the production and dissemination of infographics related to the plight of incarcerated transgender persons, and use the infographics as a prompt to get attendees to engage and promote trans rights issues on social media and elsewhere. The panel discussion will take place April 17, 2020 at 12p.m., and the group expects as many as 50 people to take part in the discussion. The panel is expected to include Dr. O'Brenn, an expert on women & gender theory; public defense counsel with experience representing trans defendants; and a grassroots trans-rights advocate. The group will share an infographic they are producing with the panel audience. After the panel, the group will call on the audience to disseminate the infographic online and through social media. Topics of focus will include unique needs upon incarceration and reentry. Commissioners suggest expanding the panel discussion time from 60 minutes, as that will only scratch the surface of the discussion.

Vote – unanimously in favor, approved

Racial Disproportionality Report

Duc Luu is the sentencing database manager for the Caseload Forecase Council. Mr. Luu used to work for the sentencing guidelines commission, but was assigned to the caseload forecast council. As a result of consolidation during the Great Recession, data people working for the state went to CFC. Goal of the report is to inform data-driven policy. CF only looks at the data, and leaves the policy analysis up to entities like MJC. Only data collected upon sentencing was included, so no insights into sentencing reductions during pre-trial phase, or any other attendant data. The legislature picked CFC because it has full data on jail and prison sentencing. In 2018, the legislature passed a bill to see how racial disproportionality played out in felony sentencing. The Sentencing

Guidelines Commission and the CFC don't collect gross misdemeanor data. Focused on data integrity and consistency, but cannot speak to causes of disproportionality.

The CFC tries to reconcile data around race, matching multiple-system data into one set. Once common issue is that agencies are making race/ethnicity mistakes, so CFC tries to correct and identify where issues spots are. CFC has a lot more sentencing data than included in the report and, if we want, we can reach out to Duc with data requests. Hard to understand what is happening with Latinos, Hispanics in the data, since all other data suggests disproportionate overrepresentation in the criminal justice system. Could be another place where identification of race and ethnicity have influenced the data. Assistant Chief Diaz reminded the Commission that law enforcement only codes four races, or declares race unknown. Duc noted that CFC can pull data on gender and race together in less than a month should the Commission want it. CFC can also break the data in table 2 down by county. Will repeat the report every year.

STAFF REPORT

- On February 20th, King County Superior Court is hosting its Black History Month Program.
- The Spokane Youth and Law Forum will take place April 25th, 2020, from 8:00-2:00 p.m.
- Judge McCullough recommended that everyone go see the film *Just Mercy*, adapted from the book by Bryan Stevenson and starring Jamie Foxx and Michael B. Jordan.
- This year's Judicial Institute *Pathways to the Bench* event will take place Tuesday, March 17th in Yakima, WA. Their *Bridging the Gavel Gap* event will take place Wednesday, March 18th in Spokane, WA.

The meeting was adjourned at 1:13 p.m.